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| Report to: | Licensing Panel |
| Relevant Officer: | Lisa Ribchester, Licensing Officer |
| Date of Meeting : | Tuesday 7 November 2023 |

APPLICATION TO REVIEW A PREMISES LICENCE – Revelry Bar

1.0 Purpose of the report:

- 1.1 To consider an application by Sergeant Nat Cox on behalf of Lancashire Constabulary to review the Premises Licence issued in respect of Revelry Bar, 3 Birley Street, Blackpool, FY1 1EG.

2.0 Recommendation(s):

- 2.1 To determine the review application.

3.0 Reasons for recommendation(s):

- 3.1 This application must be determined by a Panel of the Licensing Committee.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

- 4.1 None, once a review application has been received it must be considered by a Licensing Panel.

5.0 Council Priority:

- 5.1 The relevant Council priority is:
"The Economy – maximising growth and opportunity across Blackpool."

6.0 Background Information

- 6.1 Revelry Bar, 3 Birley Street, Blackpool has the benefit of a Premises Licence PL2292 authorising the sale by retail of alcohol for consumption on the premises only 11.00 – 00.00 Sunday to Thursday and 11.00 – 02.00 Friday and Saturday, Live Music Indoors 12.00

– 0.00 Daily, Recorded Music Indoors 08.00 – 0.00 Sunday to Thursday, 08.00 – 02.00 Friday and Saturday and Late Night Refreshment 23.00 – 0.00 Sunday to Thursday and 23.00 – 02.00 Friday and Saturday with additional hours on Bank Holidays, Christmas Eve and New Year’s Eve.

6.2 On 30 August 2023 the Licensing Service received an application from Sergeant Nat Cox on behalf of Lancashire Constabulary to review this licence on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm. A copy of the review application is attached at Appendix 4a.

6.3 Representations in support of the review have been received from Environmental Protection, Blackpool Councils Child Protection Licensing Officer and the Licensing Authority.

6.4 The Premises Licence Holder and Designated Premises Supervisor is currently Mr Neil Boulton. On 3rd October 2023 the licence was surrendered by Mr Boulton, as the licence may be reinstated by an application for transfer, the review application remains listed for determination.

6.5 Local policy considerations:

6.2.3 The licensing authority will view particularly seriously applications for the review of any premises licence where it involves the:

- Continuous breaches or contraventions of licence conditions
- Not operating the premises according to the agreed operating schedule
- Where the police are frequently called to attend incidents of disorder

6.2.4 When dealing with premises brought to review, the licensing authority will adopt a yellow card/red card system in appropriate cases. The intention is that problem premises will be identified at an early stage and enforcement agencies will be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children, causing other crime problems or causing noise nuisance.

6.4.3 The licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence

6.6 National policy considerations

Section 11 reviews is relevant in particular:

11.19 Where the licensing authority considers that action under its statutory powers is appropriate it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

If a suspension or revocation is being considered 11.23 should be taken into account:

“.....it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

6.7 Observations:

This premise has been licenced since 26 August 2022. The Licence has always been in the name of Mr Boulton

The licence has the following conditions endorsed upon it in addition to the mandatory conditions:

Annex 2 - Conditions consistent with the Operating Schedule

- 1 At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
- 2 Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
- 3 An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- 4 Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.
- 5 The premises shall have a documented drugs prevention policy on which all members of staff shall be trained
- 6 Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30minutes.
- 7 Clearly visible notices shall be displayed advising those attending that:
 - a) It is a condition of entry that customers agree to be searched and
 - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
- 8 Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
- 9 No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
- 10 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 11 All drinking vessels used at the premises will be made of toughened glass or polycarbonate.
- 12 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 13 No entertainment of an adult or sexual nature will take place on the premises.
- 14 A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
- Photo driving licence.
- Passport.
- Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.

- 15 All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every three months. Records to evidence this will be made available to an authorised officer upon request.
- 16 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
- 17 CCTV must be installed internally and externally at the premises and must comply with the following:
 - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
 - ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
 - iii. The system must record all hours the premises are open to the public.
 - iv. Recordings must display the correct date and time.
 - v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
 - vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested
 - vii. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
 - viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
- 18 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed after 22:00 hours except in the event of an emergency and save for the purposes of access and egress.
19. A minimum of one SIA licensed member of door staff will be on duty from 20:00 hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the licence holder will

determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises licence holder. The document must be available for Inspection if required.

20. An incident book will be maintained in which shall be recorded:-
 - i. All incidents of crime and disorder
 - ii. Refused sales to suspected under-age and drunken persons
 - iii. A record of any person asked to leave the premises or removed from the premises
 - iv. Details of occasions on which the police are called to the premises
 - v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicionThe book will be available for inspection by a police officer.
21. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00hrs
22. The outside area of the venue will be checked by a competent person at intervals of a minimum of 30 minutes.
23. All tables and chairs in the outside area shall either be fixed to the floor or be stacked, secured and covered no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
24. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.

6.8 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1 Appendix 4a – Review application from Lancashire Constabulary
- Appendix 4b – Child Protection Licensing Officer representation
- Appendix 4c – Licensing Authority representation
- Appendix 4d – Licencing Authority Officer Statement
- Appendix 4e – Licensing Authority Photo 1
- Appendix 4f – Licensing Authority Photo 2
- Appendix 4g – Email from Environmental Protection
- Appendix 4h – Representation from Environmental Protection

8.0 Financial considerations:

8.1 None.

9.0 Legal Considerations:

9.1 Please see local and national policy in the background information.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations and the impact of this decision for our children and young people:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background Papers:

14.1 None.